

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF SOUTH DAKOTA**

WELLS FARGO BANK, N.A.

Case No: 4:19-CV-04141-KES

Interpleader Plaintiff,

vs.

ANTONIO CABALLERO et al.

Interpleader Defendants.

**INTERPLEADER DEFENDANT
ANTONIO CABALLERO'S
MOTION TO DISMISS FIRST
AMENDED COMPLAINT IN
INTERPLEADER OF
GARNISHEE WELLS FARGO
BANK, N.A. WITH PREJUDICE
PURSUANT TO
RULE 12(B)(6), FED. R. CIV. P.**

Interpleader Defendant Antonio Caballero ("Caballero"), by and through undersigned counsel, hereby moves to dismiss the First Amended Complaint in Interpleader ("Complaint") filed by Wells Fargo Bank, N.A. ("Wells Fargo") [D.E. 6] with prejudice pursuant to Rule 12(b)(6), Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted for the reasons set forth in its accompanying Memorandum of Law.

DATED this 18th day of September, 2019.

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By: /s/ James R. Myers

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CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2019, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Southern Division by using the CM/ECF system, which constitutes service on the following parties:

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/s/ James R. Myers

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CERTIFICATE OF SERVICE TO NON-APPEARING PARTIES

I hereby certify that on September 28, 2019, I mailed via U.S. mail, a true and correct copy of the foregoing document to the parties addressed as follows:.

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